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February 7, 2012

**VIA ECF & FACSIMILE**

**R E C E I V E D**

**FEB - 7 2012**

Hon. Tonianne J. Bongiovanni, U.S.M.J.  
United States District Court  
Clarkson S. Fisher Federal Building  
and United States Courthouse  
402 East State Street  
Trenton, New Jersey 08608

AT 8:50 <sup>M</sup>  
WILLIAM V. WALSH  
CLERK

Re: Takeda Pharmaceutical Company Limited, *et al.* v. Zydus Pharmaceuticals  
(USA) Inc., *et al.*  
Case No. 3:10-cv-01723-JAP-TJB

Dear Judge Bongiovanni:

We are counsel to Defendants Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Limited ("Defendants"), in the above-referenced action.

On January 27, 2012 Counsel for Plaintiffs submitted a letter to your Honor requesting that a portion of Defendants' Opening Expert Report be stricken. Defendants responded to Plaintiffs' letter on that same date. In their response, Defendants indicated that they would respond to Plaintiffs' request to strike portions of Defendants' Opening Expert Report, and would move to amend Defendants' operative Invalidity and Non-infringement Contentions, by February 8, 2012.

In an effort to narrow the issues to be presented to the Court, the parties discussed scheduling and Defendants provided Plaintiffs' with a redline copy of Defendants' proposed Second Amended Non-Infringement and Invalidity Contentions. Although the parties could not agree on the scope or substance of Defendants' proposed amendments, the parties did agree to the following proposed schedule which is intended to permit the parties to fully brief Defendants' Motion to Amend, including Plaintiffs request to strike a portion of Defendants' Opening Expert Report, and to permit the parties to timely complete expert discovery:

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1. The parties will forgo summary judgment;
2. Defendants will move to amend their operative Invalidity and Non-infringement Contentions, which motion will also address the issue raised in Plaintiffs January 27 letter, by February 10, 2012;
3. Plaintiffs will respond to Defendants' motion to amend by February 24, 2012;
4. Any reply will be filed by March 1, 2012;
5. Rebuttal expert reports will be served within twenty-one (21) days after this Court rules on outstanding motions; and
6. Expert discovery will be completed within forty-nine (49) days of said ruling.

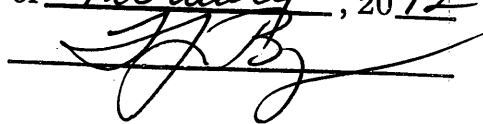
*unless  
otherwise  
ordered  
by the  
Court*

Respectfully submitted,

*s/ Vincent P. Rao, II*

Vincent P. Rao, II

cc: Counsel of Record (via ECF)

So Ordered this 7 day  
of February, 20 12  


**ORDER ON ORAL MOTION**